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U.S. DISTRICT COURT
NO. DIST. OF CA, S.J.

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ADR

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TONY FERGUSON

E-FILING

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE

PETER FORTENBAUGH and BETTY LEE,
in their capacity as Trustees of THE PETER
FORTENBAUGH TRUST, a California Trust,

APW

Case No. C08 03898 PVT
DECLARATION OF TONY FERGUSON
IN SUPPORT OF DEFENDANT'S
GEOSTAR CORPORATION, GEOSTAR
FINANCIAL SERVICES
CORPORATION, AND TONY
FERGUSON'S NOTICE OF REMOVAL
OF PLAINTIFFS' FIRST AMENDED
COMPLAINT TO FEDERAL COURT

13 Plaintiffs,

14 vs.

15 CLASSICSTAR FINANCIAL SERVICES,
INC., a Delaware Corporation, GEOSTAR
16 CORPORATION, a Delaware Corporation,
GEOSTAR FINANACIAL SERVICES
17 CORPORATION, a Delaware Corporation,
TONY FERGUSON, and DOES 1 through 30,
inclusive,

Superior Court of the State of California
County of Santa Clara
Case No. 107cv084507

19 Defendants.

20
21
22 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
23 THE NORTHERN DISTRICT OF CALIFORNIA:

24 I, TONY FERGUSON, declare as follows:

25 1. I am an adult and Defendant in this action. I have personal knowledge of the facts set
forth in this Declaration and, if called as a witness, could and would testify competently to such
facts under oath.

48986

1

2 DECLARATION OF TONY FERGUSON IN SUPPORT OF NOTICE TO REMOVAL

RECEIVED TIME AUG. 12. 3:20PM

PRINT TIME AUG. 12. 3:21PM

2. On or around June 15, 2008, my counsel was served with Plaintiffs PETER FORTENBAUGH and BETTY LEE, in their capacity as Trustees of THE PETER FORTENBAUGH TRUST's ("FORTENBAUGH") First Amended Complaint. These documents are attached as Exhibit A to the Declaration of Ruben Ruiz Filed in Support of Geostar Corporation, Geostar Financial Services Corporation, and Tony Ferguson's Notice of Removal.

3. I am a natural born United States citizen.

4. I am a resident of the State of Florida, and I spend the majority of my time within the State of Florida. I intend to remain in the State of Florida. I, therefore, consider myself domiciled in the State of Florida.

5. My principal place of employment is within the State of Florida at GeoStar Corporation, 13907 Carrollwood Village Run, Tampa, FL 33624.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 12 day of August, 2008 at Pebble Beach,
California.

By: tony ferguson
TONY FERGUSON

1 Re: **PETER FORTENBAUGH and BETTY LEE, in their capacity as Trustees of THE
PETER FORTENBAUGH TRUST, a California Trust v. CLASSICSTAR
FINANCIAL SERVICES, INC., a Delaware Corporation and DOES 1 through 30,
inclusive**
2 Santa Clara County Superior Court Case No. 107CV084507
3

4 **PROOF OF SERVICE – CCP §1013(a)(3)**

5 STATE OF CALIFORNIA/COUNTY OF San Francisco

6 I am a citizen of the United States and an employee in the County of San Francisco. I am
7 over the age of eighteen (18) years and not a party to the within action. My business address is
8 BASSI, MARTINI, EDLIN & BLUM LLP, 351 California Street, Suite 200, San Francisco,
California 94104.

9 On the date set forth below, I served the within:

10 **DECLARATION OF TONY FERGUSON IN SUPPORT OF DEFENDANTS GEOSTAR
CORPORATION, GEOSTAR FINANCIAL SERVICES CORPORATION, AND TONY FERGUSON'S
NOTICE OF REMOVAL OF PLAINTIFFS' FIRST AMENDED COMPLAINT TO FEDERAL COURT**

11 on the following parties:

12 HOWARD RICE, et al.
13 Jeremy Kamras, Esq.
14 Three Embarcadero Center, 7th Floor
San Francisco, CA 94111-4021

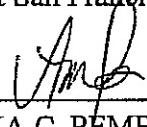
15 **BY PERSONAL SERVICE:** I caused a copy of said documents to be hand delivered to
16 the interested party at the address set forth above.

17 **BY MAIL:** I caused such envelope to be deposited in the mail at San Francisco,
18 California. I am readily familiar with the firm's practice for collection and processing of
correspondence for mailing. It is deposited with the U.S. Postal Service on that same day
in the ordinary course of business.

19 **BY FEDERAL EXPRESS:** I caused such envelope to be deposited in the appropriate
20 Federal Express envelope, to the Federal Express office located at 120 Bush Street, San
21 Francisco, California 94104, to be delivered by the next business day. I am readily
familiar with the firm's practice for collection and processing of correspondence for
transmittal by Federal Express. It is deposited with Federal Express on that same day in
the ordinary course of business.

23 **BY FACSIMILE:** I caused said documents to be sent via facsimile to the interested
24 party at the facsimile number set forth below.

25 I declare under penalty of perjury that the foregoing is true and correct and that this
document is executed on August 14, 2008, at San Francisco, California.

26 
27 _____
28 ALISHA C. PEMBER